

Misbranding was alleged in substance for the reason that the statement appearing in the label, "Prepared Mustard," was false and misleading and for the further reason that it was offered for sale under the distinctive name of another article.

On August 19, 1924, the Greenet Packing Co., Philadelphia, Pa., having appeared as claimant, and the property having been theretofore properly relabeled, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings.

HOWARD M. GORE, *Secretary of Agriculture.*

12540. Misbranding of cottonseed meal. U. S. v. 300 Sacks of Cottonseed Meal. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (F. & D. No. 18817. I. S. No. 2365-v. S. No. E-4881.)

On July 9, 1924, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 300 sacks of cottonseed meal remaining in the original unbroken packages at Buffalo, N. Y., consigned by the Frederick Cotton Oil Mfg. Co., Frederick, Okla., alleging that the article had been shipped from Frederick, Okla., June 2, 1924, and transported from the State of Oklahoma into the State of New York, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Tag) "Weight 100 Pounds Net 'Chickasha Prime' Cottonseed Cake or Meal * * * Guaranteed Analysis: Protein not less than 43 per cent."

Misbranding of the article was alleged in the libel for the reason that the statements, "100 Pounds Net," "Guaranteed Analysis: Protein not less than 43 per cent," were false and misleading and deceived and misled the purchaser, and for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On July 29, 1924, the Chickasha Cotton Oil Co., Chickasha, Okla., having appeared as claimant and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceeding and the execution of a bond in the sum of \$250, in conformity with section 10 of the act, conditioned in part that it be relabeled as containing 39 per cent of protein, together with the correct weight.

HOWARD M. GORE, *Secretary of Agriculture.*

12541. Misbranding of olive oil. U. S. v. Lekas & Drivas, a Corporation. Plea of guilty. Fine, \$80. (F. & D. No. 16553. I. S. Nos. 5492-t, 10772-t, 11163-t, 11164-t.)

On November 11, 1922, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Lekas & Drivas, New York, N. Y., alleging shipment by said company, in violation of the food and drugs act as amended, from the State of New York, on or about May 14, 1921, into the State of Massachusetts, on or about May 16, 1921, into the State of Utah, and on or about July 13, 1921, into the State of Colorado, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Net Contents $\frac{1}{2}$ Gall." (or "Net Contents $\frac{1}{4}$ Gall.") "Pure Olive Oil * * * Lekas & Drivas New York U. S. A."

Examination by the Bureau of Chemistry of this department of samples taken from each of the consignments showed that the said cans contained less than the quantities declared on the respective labels.

Misbranding of the article was alleged in the information for the reason that the statements, to wit, "Net Contents $\frac{1}{2}$ Gall." and "Net Contents $\frac{1}{4}$ Gall.," borne on the respective sized cans containing the article, were false and misleading in that the said statements represented that the cans contained $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon, net, of the article, as the case might be, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that the said cans contained $\frac{1}{2}$ gallon or $\frac{1}{4}$ gallon, net, of the said article, as the case might be, whereas, in truth and in fact, the said cans did not contain the amounts declared on the respective labels, but did contain less amounts. Misbranding was alleged for the further reason that